

of the Commissioner of Insurance for the purpose of reimbursing the State for the amount to be so expended during the current year in carrying out the provisions of this act, to collect from each insurance company affected by this act, which transacted business in this State during the preceding calendar year, or any portion thereof, the proportion of said \$25,000 which the gross premiums collected by said company during such year from persons or upon property located in this State bears to the aggregate amount of gross premiums so collected during such year by all insurance companies affected by this act transacting business in this State; provided, that in computing such gross premium receipts there shall be deducted therefrom the amount paid out for reinsurance and for return premiums on canceled policies. If, at the end of any year after this act shall take effect it shall be found that the aggregate amount expended in carrying out the provisions of this act during such year has been less than \$25,000, the amount remaining unexpended shall be applied in the reduction of the amount to be collected from said companies for the succeeding year. The amount due under the provisions of this section by each company shall be certified by the Commissioner of Insurance to such company and he shall revoke the certificate of authority of any company which shall fail to pay the same within thirty days after the receipt of such certificate; provided, that the collections from insurance companies provided for in this section shall not be made for any year during which any such company shall be liable under the laws of this State to the payment of an occupation tax at a rate of two and one-half per cent or more of the gross premiums received, less deductions for reinsurance and return premiums on canceled policies.

Sec. 29. If any part of this act be for any reason held unconstitutional it shall not affect any other portion or part of this act.

Sec. 30. Chapter 18 of the General Laws of the Thirty-first Legislature passed by its First Called Session and approved April 19, 1909, entitled, "An Act providing the conditions upon which fire insurance companies shall transact business in this State; and providing for the regulation and control of rates of premiums on fire insurance and to prevent discrimination therein; and to cre-

ate a fire insurance rating board; and to provide penalties for violation of this act, and declaring an emergency," and all other laws and parts of laws in conflict with this act are hereby repealed.

Sec. 31. The fact that there is now no sufficient law in this State prohibiting unjust discriminations in the collection of fire insurance rates as between citizens of this State; nor protecting citizens in securing reasonable rates, constitutes an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days to be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, September 7, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Bryan.

Absent—Excused.

Perkins.
Sturgeon.

Veale.
Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Holsey, the same was dispensed with.

The Chair called the regular order of business, and, there being no business under this head, the Chair declared the morning call concluded.

There being nothing on the calendar

of the Senate, on motion of Senator Weinert, the Senate was at ease subject to call of the Chair.

The Senate was called to order by Lieutenant Governor Davidson at 11 o'clock a. m.

Senator Hudspeth moved that the Penitentiary Investigating Committee of the Senate be requested to confer with the like committee of the House relative to the manner in which to pursue relative to further action on the penitentiary bill.

Senator Terrell of Bowie moved, as a substitute, that the joint committee who drafted the original penitentiary bill be requested to meet in conference and that the Lieutenant Governor and the Speaker of the House be requested to participate in the conference to adjust the differences between the two branches of the Legislature with reference to the penitentiary bill, and to report their conclusions to the Legislature for such action as they may see fit.

The substitute motion prevailed.

On motion of Senator Peeler, the Senate was here at ease subject to the call of the Chair.

At 11:50 o'clock the Senate was called to order by Lieutenant Governor Davidson.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 7, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate to adopt the following motion: "That the joint committee who drafted the original penitentiary bill be requested to meet in conference and that the Lieutenant Governor and the Speaker of the House be requested to participate in the conference to adjust the differences between the two branches of the Legislature with reference to the penitentiary bill, and to report their conclusions to the Legislature for such action as they see fit," has been adopted.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RECESS.

Senator Terrell of Bowie moved that the Senate recess until 1:30 o'clock today.

Senator Terrell of McLennan moved, as a substitute, that the Senate recess until 2 o'clock today.

The substitute motion was adopted.

AFTER RECESS.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 7, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House does not concur in the action of the Senate on Senate bill No. 10, and requests the appointment by the Senate, in order that the differences between the two houses on said bill may be adjusted, of a Free Conference Committee to confer with those appointed on behalf of the House. The following committee has been appointed on behalf of the House: Messrs. Gilmore, Stamps, Goodman, Looney and Caves.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

The above message was read to the Senate, and Senator Murray moved that the Senate grant the request of the House for a Free Conference Committee on Senate bill No. 10.

Senator Senter moved, as a substitute, that the Senate do not receive the message, and that same be returned to the House.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 7, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 17, A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to restrict corporal pun-

ishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commissioners; to vest title to all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violations of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 79, of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above House message for caption):

House bill No. 17, referred to Committee on State Penitentiaries.

MOTIONS RELATIVE TO HOUSE MESSAGE.

Action recurred on the pending motions relative to the House message on Senate bill No. 10, and

Senator Cofer moved to table the substitute motion, which motion to table was lost by the following vote:

Yeas—11.

Brachfield.	Ratliff.
Cofer.	Real.
Greer.	Terrell of Wise.
Holsev.	Ward.
Mayfield.	Weinert.
Murray.	

Nays—13.

Adams.	Meachum.
Alexander.	Paulus.
Harper.	Peeler.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	

Absent.

Bryan.

Terrell of Bowie.

Absent—Excused.

Perkins.
Sturgeon.

Veale.
Willacy.

Action then recurred on the substitute motion.

(Pending discussion, Senator Hudspeth was called to the chair.)

Senator Meachum offered the following as a substitute for the above pending motions:

Resolved, That in the interest of the dispatch of public business, and that the Senate and the House may proceed in accordance with well established rules without misunderstanding, that the House of Representatives be requested to withdraw the pending House message, and report to the Senate what action, if any, it has taken on Senate amendment to House substitute to Senate bill No. 10, to the end that if a Free Conference Committee be necessary each body may proceed at once to the appointment of its respective committees, so that important legislation in which the people of Texas are interested may be enacted into law.

ALEXANDER,

MEACHUM,

WATSON.

TERRELL of McLennan.

The above motion was read, and Senator Senter withdrew his substitute motion.

Pending discussion of the motion, Senator Meachum moved that the pending motions be laid on the table subject to call.

The motion prevailed.

The Senate was then at ease until 4:45 o'clock, and was called to order by Lieutenant Governor Davidson.

MOTION RELATIVE TO HOUSE MESSAGE.

Action recurred on the pending motions relative to the House message, the question being on the substitute motion by Senator Meachum and others, which was on the table subject to call.

Senator Murray withdrew his motion to grant the request of the House for a Free Conference Committee.

Senator Meachum's motion became the original motion, and was changed to a simple resolution, and the same was adopted.

The Senate was then at ease until 5:25 o'clock p. m., and was called to order by Lieutenant Governor Davidson.

SENATE CONCURRENT RESOLUTION.

(By Unanimous Consent.)

By Senator Brachfield:

Senate Concurrent Resolution No. 3:

Be it resolved by the Senate, the House of Representatives concurring. That the Fourth Special Session of the Thirty-first Legislature of Texas do stand adjourned sine die at 10 o'clock a. m., September 8, A. D. 1910.

WATSON,
BRACHFIELD.

The resolution was read and referred to the Committee on State Affairs.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, September 7, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following simple resolution: "We move that the House recall its message to the Senate, and that the House do not concur in Senate amendments to Senate bill No. 10, and asks for the appointment of a Free Conference Committee on the part of the Senate to confer with a like committee to be appointed by the House."

The following has been appointed on part of the House: Messrs. Gilmore, Looney, Stamps, Goodman and Caves.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Senator Weinert moved that the Senate grant the request of the House for the appointment of a Free Conference Committee.

The motion prevailed, and the Chair appointed the following as the Free Conference Committee: Senators Weinert, Hudspeth, Murray, Senter and Ward.

RESOLUTIONS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

House Concurrent Resolution No. 4. Providing for the removal of the remains of Stephen F. Austin to the State cemetery at Austin.

House Concurrent Resolution No. 6, Congratulating the Republic of Mexico in this, the centennial of their declaration of independence.

ADJOURNMENT.

On motion of Senator Hume, the Senate, at 6 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, September 8, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Bryan.	Murray.
Holsey.	

Absent—Excused.

Perkins.	Veale.
Sturgeon.	Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

The Chair called the regular order of business, and, there being no business under this head, the Chair declared the morning call concluded. (See Appendix for committee reports.)

SIMPLE RESOLUTION.

By Senator Terrell of Bowie:

Resolved, That the Secretary of the Senate be allowed postage to the amount of \$6.00, for the purpose of mailing out